

PATENT APPLICATION

042390.P3294CR

Request for extension of time under 37 C.F.R. §1.136

Assignee herewith petitions the Director of the United States Patent and Trademark Office to extend the time for response to the Office Action dated November 15, 2002 for 3 month(s) from February 15, 2003 to May 15, 2003.

Please charge Deposit Account #02-2666 in the amount of:

- (\$110.00 for a one month extension)
 (\$410.00 for a two month extension)
 (\$930.00 for a three month extension)
 (\$1,450.00 for a four month extension)

to cover the cost of the extension.

Remarks

Reexamination and reconsideration of this application is requested. Claims 1-45 remain in the application. No new claims have been added or canceled.

Applicant believes there is no charge for this response because no new claims have been added.

Response to the 35 U.S.C. §102(b) Rejection

The Office Action rejects claims 1-45 under 35 U.S.C. §102(b) as being anticipated by Takei (US 5,420,630). Applicant respectfully traverses this rejection in view of the remarks that follow.

As is well-established, in order to successfully assert a *prima facie* case of anticipation, the Office Action must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Office Action has not succeeded in making a *prima facie* case.

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Applicant begins with claim 1. Claim 1 specifically recites:

"1. A camera comprising:

a sensor configured to capture an image and generate a sensor output signal representing the captured image;

an amplifier coupled to receive the sensor output signal, wherein the amplifier is configured to apply multiple gain levels to the sensor output signal; and

a processor coupled to the amplifier, wherein the processor is configured to provide a control signal to the amplifier to adjust the gain levels applied by the amplifier, the processor adapted to adjust the gain level of one portion of the captured image in response to a value of a previous portion of the captured image."

It is respectfully asserted that, as one example, Takei fails to meet either expressly or inherently the limitation that the processor is adapted to adjust the gain level of one portion of the captured image in response to a value of a previous portion of the captured image.

Applicants respectfully submit that Takei does not meet the requirements of an anticipation rejection in that Takei expressly teaches that data from a previous frame is used to adjust white balance. In particular Takei teaches that a correction signal calculation may be used for calculating a white balance correction signal (see column 9, lines 64-67). However, Takei expressly states that the correction signal is based on an average value that comes from each region of the frame; these values are labeled Ravr and Bavr. The Ravr value and the Bavr value are then used to make adjustments (see column 10, lines 14-58).

Takei then states with respect to step S5 of figure 18, that the average values are obtained and stored in memory 33 (column 11, lines 10-15, and column 13, lines 6-11). The average data for the whole frame is then used in the signal

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correction calculation. In particular, Takei states "The third calculation is performed to obtain the average value of the color difference signal data of the entire frame." (column 16, lines 9-12) (Emphasis added). Thus, Takei teaches that the average of the entire frame, not a previous portion of a frame, is used in the correction calculation.

Accordingly, Applicant respectfully submits that Takei cannot and does not teach or suggest a processor adapted to adjust the gain level of one portion of the captured image in response to a value of a previous portion of the captured image.

Thus, Applicant respectfully submits that Takei cannot anticipate claim 1 or the claims that depend from claim 1. Applicant also respectfully submits that the other claims are not anticipated as well.

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Conclusion

The foregoing is submitted as a full and complete response to the Office Action mailed March 27, 2002, and it is submitted that claims 1-45 are in condition for allowance. Reconsideration of the rejection is requested. Allowance of claims 1-45 is earnestly solicited.

Should it be determined that an additional fee is due under 37 CFR §§1.16 or 1.17, or any excess fee has been received, please charge that fee or credit the amount of overcharge to deposit account #02-2666.

If the Examiner believes that there are any informalities which can be corrected by an Examiner's amendment, a telephone call to the undersigned at (480) 554-9732 is respectfully solicited.

Respectfully submitted,

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Dated:

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